

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

ORD – 2019-013

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5
6 **AN ORDINANCE ENHANCING CODE ENFORCEMENT OPERATIONS, AMENDING**
7 **TITLE 1, ADMINISTRATION, OF THE CITY OF SOUTH FULTON CODE OF**
8 **ORDINANCES TO CREATE A NEW CHAPTER 12, CODE ENFORCEMENT, AND**
9 **FOR OTHER LAWFUL PURPOSES**

10
11 **(Sponsored by Councilpersons Gumbs and khalid)**
12

13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
17 Council thereof ("City Council");

18 **WHEREAS**, the City desires to amend its code of ordinances through this
19 Ordinance to enhance administrative and code enforcement operations; and

20 **WHEREAS**, this Ordinance is in the best interests of the health and general
21 welfare of the City, its residents and general public.

22
23 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
24 follows:

25
26 **Section 1.** **Title 1, Administration** of the City of South Fulton Code of
27 Ordinances is hereby amended to create a new **Chapter 12, Code Enforcement**, to
28 read as follows:

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30 **TITLE 1. – ADMINISTRATION**

31 **CHAPTER 12. – CODE ENFORCEMENT**

32 **Sec. 1-12001. – Definitions.**

33 Definitions. The following words, terms and phrases, when used in this section, shall
34 have the meanings ascribed to them in this section, except where the context clearly
35 indicates a different meaning:

36 "Code enforcement officer" shall mean those employees or other agents of the city
37 duly authorized and appointed by the city manager whose duty it is to assure code
38 compliance, enforce the city code and/or to present code violations to the city municipal
39 court or code enforcement board.

40 "Person" means any individual, firm, partnership, permit holder, owner, corporation,
41 company, association, and includes any trustee, receiver, assignee, representative,
42 agent, manager or similar representative thereof.
43

44 "Repeat violation" shall mean a violation of a provision of the code by a person who
45 has previously been found, through a administrative, quasi-judicial and/or judicial
46 process, by admission or other means, to have violated the code within 5 years prior to
47 such new violation or a person who has failed to contest a citation for violating the code
48 within 5 years prior to the new violation.

49 Violator means any person who has committed a violation of the city code or
50 applicable state, federal and/or local laws, rules, acts and/or regulations.

51 "Violator" shall mean any person responsible for the code violation, which, in the
52 appropriate circumstances, may either be the perpetrator of the violation, the
53 responsible employee, agent, and/or manager of a business and/or the owner of the
54 real property upon which the violation occurred.

55
56 **Sec. 1-12002. – Authority.**

57 City code enforcement officers shall have the authority to issue citations against any
58 person whom the code enforcement officer has reasonable cause, following
59 investigation, to believe has committed a violation of city code. Such citation(s) shall be
60 brought, in the citing code enforcement officers' discretion, before the city municipal
61 court and/or code enforcement board. In addition, code enforcement officers shall have
62 all such other authority and responsibilities as they may be afforded by local, state and
63 federal law, in addition to those duties imposed by function of their job description,
64 and/or as designated by the city manager or his/her designee.

65
66 **Sec. 1-12003. – Procedure for issuing citations.**

67 **A. Notice.** Prior to issuing a citation, and based on the severity of the surrounding
68 circumstances, a code enforcement officer may provide notice to the violator that the
69 violator has committed a violation of the code and, if such notice is issued, shall
70 establish a reasonable time period, in light of the nature of the violation, within which
71 the violator must correct the violation.
72

73 **B. Service of the citation to the violator shall be as follows:**

- 74 1. Whenever possible and practicable, the code enforcement officer shall hand
75 deliver the citation directly to the violator, who shall be required to provide
76 identification to the code enforcement officer upon request.
- 77 2. Otherwise, including where the violator cannot be located after due diligence
78 or is believed to be located and/or reside outside the city, service of the
79 citation may be provided to the alleged violator by:

- 80 a. Certified mail to the address listed in the tax collector's office for tax
81 notices, or to any other address provided by the property owner in
82 writing to the city for the purpose of receiving notices. For property
83 owned by a corporation, notices may be provided by certified mail to the
84 registered agent of the corporation; or
- 85 b. For those violations involving the location of a motor vehicle,
86 recreational vehicle, boat or trailer, posting the citation conspicuously
87 on the motor vehicle, recreational vehicle, boat or trailer; or
- 88 c. Leaving the citation at the violator's usual place of residence with any
89 person residing therein who is above 15 years of age and informing
90 such person of the contents of the notice; or
- 91 d. In the case of commercial premises, by leaving the citation with the
92 manager, receptionist or other person in charge of acknowledging
93 visitors at such commercial location.
- 94 3. Evidence that an attempt has been made to hand deliver or serve the
95 citation as provided in this chapter, shall be sufficient to show that the
96 notice requirements of this division have been met, without regard to
97 whether or not the violator actually received such notice.

98 C. **Minimum Contents.** At a minimum, the citation issued by a code enforcement
99 officer shall state and contain the following information:

- 100 1. The date and time of issuance;
- 101 2. The name and (if known) address of the person to whom the citation is issued
102 against;
- 103 3. The date(s) the violation was allegedly committed;
- 104 4. The number or section of the code violated;
- 105 6. The last name of the code enforcement officer;
- 106 7. The date, time and location where the violator shall appear to answer to the
107 charge.

108
109 **Sec. 1-12004. – Code Enforcement and Abatement Funding.**

110 Fifty percent of the fines collected from citations issued by code enforcement officers
111 shall be allocated by the city finance director to a line item within the budget "Property
112 Abatement Fund." Such funds shall be used, as directed by the Department of
113 Community and Regulatory Affairs, towards abating, fixing, repairing, protecting,
114 boarding, and/or demolishing property and/or taking other necessary action for code
115 enforcement purposes.

Sec. 1-12005. – Non-exclusivity.

The provisions of this chapter shall be an additional and supplemental means of enforcing provisions of the city code. Nothing in this chapter shall preclude the city, or its officers and employees, from employing, enacting and utilizing any other means, methods, procedures and penalties authorized by state or local law for the enforcement of its city code.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the City Clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

The foregoing Ordinance No. 2019-013 was moved for approval by Councilmember Gumbs. The motion was seconded by Councilmember Willis, and being put to a vote, the result was as follows:

William "Bill" Edwards, Mayor
Mark Baker, Mayor Pro Tem
Catherine Foster Rowell
Carmalitha Lizandra Gumbs
Helen Zenobia Willis
Gertrude Naeema Gilyard
Rosie Jackson
khalid kamau

AYE

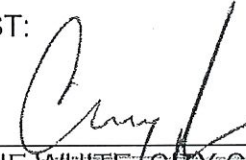

NAY

204 THIS ORDINANCE, so adopted this 11th day of June 2019.

205
206 CITY OF SOUTH FULTON, GEORGIA

207
208 
209 _____
210 WILLIAM "BILL" EDWARDS, MAYOR

211
212 ATTEST:

213 
214 _____
215 ~~S. DIANE WHITE, CITY CLERK~~
216 *Corey Adams, Deputy City Clerk*
217 APPROVED AS TO FORM:
218 
219 _____
220 EMILIA C. WALKER, CITY ATTORNEY
221





MAYOR'S SIGNATURE PAGE

The mayor, within ten (10) business days following receipt of an ordinance, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance to the city clerk within ten (10) business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt.

The mayor acknowledges receipt of the noted Item listed below:

Date of Adoption: 6/11/2019 Item Number: Ord2019-013

Subject: Code Enforcement Operations

Date Received by Mayor: 6/25/2019

☒

APPROVED

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DISAPPROVED

Mayor's Signature: _____

William "Bill" Edwards

WILLIAM "BILL" EDWARDS

Date to City Clerk: _____

6/25/19